IN THE

Supreme Court of the United States.

October Term, 1903

HANNAH O'CALLAGHAN AND EDWARD CORCORAN, *Appellants*,

vs.

TERENCE O'BRIEN, as Administrator of the estate of JOHN SULLIVAN, deceased, and MARIE CARRAU, *Respondents.*

No. 593.

Motion to Dismiss Appeal.

Now come Terence O'Brien, as administrator of the estate of John Sullivan, deceased, and Marie Carrau, Respondents, by their attorneys, W. F. Hays and John H. Mitchell, and move this honorable court to dismiss the appeal in the above entitled suit, for the following reasons:

First.—Because the decree of the Circuit Court of Appeals from which this appeal is taken was final, for the reason that the jurisdiction, if it existed at all, depended entirely upon the opposite parties to the suit being aliens and citizens of the United States. The decree, therefore, in virtue of the provisions of section six of the Act establishing Circuit Courts of Appeals, approved March 3, 1891, is final.

Second.—Because it clearly appears from an examination of the record now before the Court that neither the Circuit Court, the Circuit Court of Appeals, nor this Court has any jurisdiction of the case.

W. F. HAYS,
JOHN H. MITCHELL,
Attorneys for Respondents.

IN THE

Supreme Court of the United States.

October Term, 1903.

HANNAH O'CALLAGHAN AND EDWARD CORCORAN, *Petitioners and Appellants,*

vs.

TERENCE O'BRIEN, as Administrater of the estate of JOHN SULLIVAN, deceased, and MARIE CARRAU, *Respondents.*

No. 593

Notice of Application to the Supreme Court to Dismiss Appeal.

To Hannah O'Callaghan and Edward Corcoran, Petitioners and Appellants, and to James B. Howe, Counsel for Petitioners, and to Samuel H. Piles, George Donworth, and Charles H. Farrell, of Counsel.

You, and each of you are hereby notified that the above named respondent, Marie Carrau, will, on Monday the 10th day of October, 1904, at twelve o'clock M., upon the coming in of the Supreme Court of the United States upon petition and copy of entire record in this case, submit to the Supreme Court of the United States in the Court Room at the Capitol in the City of Washington, District of Columbia, her motion and petition praying the Supreme Court to dismiss the appeal in the above entitled case, and for reasons fully set forth in brief submitted with motion filed in said Court.

Copies of motion and brief in support thereof are herewith delivered to you.

W. F. HAYS,
JOHN H. MITCHELL,
Counsel for Marie Carrau.